

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PHILADELPHIA DIVISION

NOBLE DREW ALI, et al

Vs

XAVIER MOSLEY, et al

*Plaintiff,*

*Defendant,*

Case No.: 5:18-cv-5655

Re: 15FL02801

RESPONSE BOTH OF DEFENDANTS  
MOTION TO DISMISS

**FILED**

MAY 15 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**RESPONSE TO BOTH OF DEFENDANTS MOTION TO DISMISS**

On April 26th, and MAY 3rd, defendants Craig W. Stedman, Caitlain Blazer, Alan Blank, Mark Wilson, Brett I. Cole, Terri Landon-Miller, and Andy Wagner; JUDGE MARY MONGIOVI SPONAUGLE in their personal and official capacity et al also responded to our documents filed April 18th, joining Sacramento, California Family Law Case number 15FL02801.

“Claimant , Noble Drew Ali, et al, hereby submits its opposition to Defendant’s Motion to Dismiss the Amended Complaint.

**Succinct Claim**

The Claimant Amended Complaint not only meets but exceeds the standards governing the form of a complaint as required by Federal Rule of Civil Procedure 8(a). *See exhibit 1, page 5.1 of the*

**UNITED STATES DISTRICT COURT**  
**FOR THE**  
**EASTERN DISTRICT OF PHILADELPHIA DIVISION**

**NOBLE DREW ALI, et al**

***Vs***

**XAVIER MOSLEY, et al**

***Plaintiff,***

***Defendant,***

Case No.: **5:18-cv-56556**

Re: **15FL02801**

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MOTION TO DISMISS**

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“Claimant , Noble Drew Ali, et al, hereby submits its opposition to Defendant’s Motion to Dismiss the Amended Complaint.

**Succinct Claim**

The Claimant Amended Complaint not only meets but exceeds the standards governing the form of a complaint as required by Federal Rule of Civil Procedure 8(a). *See exhibit 1, page 5.1 of the*

*amended complaint where it states, “As Moorish American Moslems, My Children and myself raise a claim under a violation that has been committed by the defendants mentioned in this claim in their collective capacity of the whole, orchestrated to violate our inalienable rights secured by our Free National Constitution - The Divine Constitution and by laws, the Great Koran which consist of the Holy Koran of the Moorish Science Temple of America aka The Grand Adviser and Moderator rules and regulations and the Holy Koran of Mohammad, The 101 Statutes of Allah (Questionnaire For Moorish Children) which also Proclaims of Our Authority for Moorish American Moslems - known as the Public Statutes at Large - The United States Constitution 1787, Declaration of Independence, Articles of Confederation, Treaty of Peace and Friendship 1786-87, 1836 and the American Constitution of 1774 Articles of Association Continent Congress The Great Seal. A clear Violation of the 1st Amendment Establishment clause and Free Exercise Clause. **The Defendants are Refusing to recognize our Nationality, rules and regulations of our Asiatic Islamic Nation state** that has been lawfully Chartered and proclaimed by virtue of form 10105905, Our Authority and Form 1099, In the County of Cook under the laws of Illinois Congress Hurds Revised Statutes of 1887 re-titled 805 ILCS R.C.A. We are under no State Law except our own Asiatic State of Islam.*

*All Proceedings were held in the wrong Jurisdiction. Freedom of exercise clause, **The defendants have collectively collaborated in abrogation afforded to My Children and Myself by My Free National Constitution, The Divine Constitution and Bylaws Article 6, “With us All Members must Proclaim their Nationality”**, (a lawful Nationalization process (An Act of Congress), to each member that proclaims their Nationality in our Moorish Government, Asiatic Islamic State) a comity state of the several states which was made possible by the Federal Constitution Article 4 Section 3, through Special Legislation that exist in Pennsylvania as we as California congressional legislation known as slip laws or American Ecclesiastical Laws, Separation of State and Religion. **Thus the Defendants in this claim had no subject matter jurisdiction to act, because my children and myself are entitled to be heard by an Article III, Section 2 Judge Jurisdiction, Citizens of different states, Diversity of Citizenship (Christian Body Politic and Islamic Body Politic) and Article 6 Clause 1 Section 2 Supremacy Clause***

*(Treaties)*. We as Moorish American Moslems are Descendants of Moroccans and born in America. Our Nationalization process by virtue of Article VI of our Divine Constitution and By laws our "With Us" our Allegiance has been restored back to our Sultanate Theocratic Government Moorish Empire, thus by virtue of the Most Holy Prophet we have been united back to ancestors who were party to the Treaty of Peace and Friendship and we are our ancestors without doubt or contradiction and there is no man who can change the descent nature of our forefathers unless his power extends beyond the Great Universal Creator Allah Himself. ***Thus states can not hear cases that are of an executive agreement between the President and a Foreign Country, thus Judgments are void because they were defective in language, because the court had no jurisdiction to issue the writ. The defendants lacked Subject matter and Personam Jurisdiction, The United States District Court has original jurisdiction per Title 22 Chapter 2 Section 143 and codified under Title 28 Statute 1331 Constitutional law and treaties, thus to separate the Moorish American Moslem Family that consist of a Mother Mooring for 9 months and bearing a Child, The Fruit of the Great God Allah, the Union that no man can divide and take away.***

**RIGHT TO JOIN CASES PURSUANT TO TITLE 28 U.S.C 1441 1446, 1331 AND F.R.C.P 20(A)(B) PERMISSIVE JOINDER AND FOREIGN RELATIONS AND DISCOURSE**  
**TITLE 22 CHAPTER 2 SECTION 141 - 143 GENERAL JURISDICTION**  
**TITLE 28 U.S.C 1441(a)(C)(1)(A)**

Claimant has properly removed cases to federal court because the united states district court has original jurisdiction by virtue of constitution and treaties. The defendants were properly informed about defendants political and civil status as Moroccan Nationality, Moorish American Moslems who are part and partial to our Moorish Asiatic State of Islam. Claimants Moorish Asiatic State of Islam is part and partial to all treaties that were and are made for Moroccan Nationality not included and not limited to descendants of Moroccans and born in America. The defendants have no judicial power to hear any case that has been exclusive jurisdiction designated to the federal government by way of **Title 22 Chapter 2 Section 141 General Jurisdiction** for land formerly known and the Ottoman Empire including Egypt. And 142

general jurisdiction for all Criminal Cases and section **143 general jurisdiction for all civil cases**. Pertaining to Constitution, Laws and Treaties See on file Public Statutes at large for the United States included by not limited to the Treaty of Peace and Friendship 1786-87, Treaty of Tripoli article 11 and Treaty of Madrid 1863 article 15 loss of Moroccan Nationality which was stricken out when the Nationality was restored for descendants of Moroccans who where denationalized by Naturalization process including but not limited to the 13th, 14th and 15th amendment of the Constitution of the United States that were Amended from the Constitution for the United States. If the American Constitution of 1774 declared all men to be free and equal and if all men are equal and free by the American Constitution there is no need for the application of 14th and 15th amendment for the salvation for Descendants of Moroccans born in America moorish American Moslems( Moroccan Nationality) are Nationality bares witness to jus sanguinis and jus soli, we are our ancestors without doubt or contradiction and there is no man who can change the descent nature( Surah 23 Ayat 10 - 14) and our religion( Sura 5 Ayat 3) of our forefathers unless his power extends beyond the great universal creature Allah himself

#### **PERMISSIVE JOINDER F.R.C.P RULE 20 (A)(B)**

According to Federal Rule 20., persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

We all of the on class of Free National Beings Bearing one Free National Name, Free National Constitution and Treaties and the Same Free National Laws and we raise them as a collective Islamic Body Politic, thus we ***raise claims under violations that have been committed by the defendants mentioned in this claim in their collective capacity of the whole, orchestrated to violate our inalienable rights secured by our Free National Constitution. All Defendants are Refusing to recognize our Nationality, Laws and Customs and Treaties Set Forth for Moroccan Nationality of our Asiatic Islamic Nation state.***



The exhibit is explicitly clear in making a claim that is worthy of relief. Under Moorish American Law, mothers are to take care of their children daily and may not be separated from their mothers. There is no confusion other than one that attempts to continuously ignore our Moorish American rights as protected by the 1st Amendment of the Constitution.

### **No 11th Amendment Immunity**

The defendants argue for 11th amendment immunity in light of their crimes against humanity, 1st Inhabitants, and Moorish American Moslems but according to the opinion of the Supreme Court as given in the case of *Monell v. Department of Social Services*, 436 U.S. 658 (1978), “*Local governing bodies (and local officials sued in their official capacities) can, therefore, be sued directly under § 1983 for monetary, declaratory, and injunctive relief in those situations where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy. In addition, local governments, like every other § 1983 "person," may be sued for constitutional deprivations visited pursuant to governmental "custom" even though such custom has not received formal approval through the government's official decision making channels. Pp. 436 U. S. 690-691*”. The Moorish Science Temple of America has a corporate and a private side known as the Moorish Science Temple thus acts as a private citizen. A private citizen can challenge the constitutionality of the states statutes in federal court by suing state official to enjoin the enforcement of the statute on the grounds that the statutes are unconstitutional in which claimants have filed such an unconstitutional claim Notice of Truth Writ of Mandamus and stay in pennsylvania lower courts. **Under Ex Parte Young** , such a suit is not barred by 11th Amendment immunity. Defendants are continually trying to bypass the supreme law of the land, comity not procedural agreements supersede Article VI of the Constitution for the United States, defendants spurious argument of 11th Amendment Argument that they are above the law of the land is an act of warring against the constitution “No state legislature or executive or judicial officer can war against the Constitution without violating his undertaking to support it.” *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401 (1958).

Furthermore, their

**DEFAMATION OF CHARACTER AND MOTION SHOULD BE DENIED**

Defendants continue to avoid the fact that we are a Moorish National State of Islam, lawfully Ancient chartered under the legislative body of Illinois by virtue of special legislative law , not under a State and protected by the very American Constitution that all Judges, Courts, agents, etc. are bound to uphold. The defendants continue to refer to us as “Sovereign Citizens” an oxymoron a citizen can not be a sovereign, we are a lawful Islamic body politic, rather than descendants of Moroccan born in America, Moorish American Moslems( a Legal Status which the defendants fail to recognize because of their biased Christian ideology), it is very clear that our forefathers stated in the Treaty of Tripoli article 11 *“As the government of the United States of America is not in any sense founded on the Christian Religion,-as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,-and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries”*. . We are subjected to our own law, contingent that we are using due care and not harming anyone or imposing our law and depriving someone else the ability to express their rights. ***The Claimants Free National Government Allah, is the Sovereign and out oficial are semi sovereign***, thus we have a theocratic Government and no law is above his law. This is defamation of character and more evidence to support our claim that ***the Defendants are Refusing to recognize our Nationality laws and customs of our Moorish Asiatic Islamic Nation state***, thus seeking to have our claim dismissed on a technicality rather than the truth and the spirit of the law.

Specifically, this Court has personal jurisdiction over the Defendant to hear the claimants claim sufficiently alleges causation and harm. Accordingly, Defendant’s motion should be denied.

***Per 28 U.S. Code § 1746 I, Shiek Johns El, a first inhabitant, Moorish American Moslem, a True American National and natural person declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.***

/s/ Noble Drew Ali, Sheik Johns El, S Grand Governor, Disciple in Trust  
Sheik S. Johns El Moorish American Moslem

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**Certificate of Service**

The undersigned claimant hereby certifies that on May/10, 2019 He personally caused to be served the following a true and correct copy of the foregoing *RESPONSE TO BOTH DEFENDANTS MOTION TO DISMISS* by mailing certified mail.

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James A. Byrne U S Courthouse  
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Philadelphia, Pennsylvania 19106

/S/Noble Drew Ali,  
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